

ORDINANCE NO. 3734

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, CONCERNING ADOPTION OF CERTAIN CRIMINAL OFFENSES CONSISTENT WITH THE STATE CRIMINAL STATUTES; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the Municipal Court of the City of Edmonds ("Municipal Court") has jurisdiction to adjudicate misdemeanor and gross-misdemeanor offenses ("Non-felony Offenses"), but only if they violate City ordinance or the Edmonds City Code ("ECC"); and

WHEREAS, Non-felony Offenses that violate state statute, but are not adopted as City ordinance or in the ECC have to be submitted to the Snohomish County District Court ("District Court"); and

WHEREAS, the City does not presently have an interlocal agreement with the District Court to process or adjudicate Non-felony Offenses committed in the City; and

WHEREAS, Non-felony Offenses committed in the city may go unprosecuted if they are not adopted as part of City ordinance and prosecuted in Municipal Court; and

WHEREAS, the City has in the past adopted, by reference or verbatim, Non-felony Offenses in the Revised Code of Washington ("RCW") into the ECC as authorized under RCW 35A.11.020; and

WHEREAS, the City of Edmonds Police Department has identified additional Non-felony Offenses in the RCW that would benefit law enforcement and prosecution in the City if adopted into the ECC; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Amended. ECC 5.12.010, Conduct prohibited. is hereby amended to

read as follows:

5.12.010 Conduct prohibited.

The following statutes of the state of Washington, including all future amendments, are adopted by reference as if set forth in full herein:

RCW 9.91.060 Leaving children unattended in parked automobile
RCW 9A.44.096 Sexual misconduct with a minor in the second degree
RCW 9.68A.011 Definitions
RCW 9.68A.080 Reporting of depictions of minor engaged in sexually explicit conduct - Civil immunity
RCW 9.68A.090(1) Communicating with minor for immoral purposes - Penalties
RCW 9.68A.110(1),(2),(3) Certain defenses barred, permitted
RCW 9.68A.120 Seizure and forfeiture of property
RCW 9.68A.130 Recovery of costs of suit by minor
RCW 9.68A.150 Allowing minor on premises of live, erotic performance

Section 2. Amended. ECC 5.14.010, State statutes adopted by reference. is

hereby amended to read as follows:

5.14.010 State statutes adopted by reference.

The following statutes of the state of Washington, including all future amendments, are adopted by reference as if set forth in full herein:

RCW 69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine - Sales restrictions - Penalty
RCW 69.43.120 Ephedrine, pseudoephedrine, phenylpropanolamine - Possession of more than fifteen grams - Penalty - Exceptions
RCW 69.43.130 Exemptions - Pediatric products - Products exempted by the state board of pharmacy
RCW 69.50.101 Definitions
RCW 69.50.102 Drug paraphernalia – Definitions
RCW 69.50.201 Authority to control
RCW 69.50.202 Nomenclature
RCW 69.50.204(c)(14) Schedule I – Marijuana

RCW 69.50.309 Containers
RCW 69.50.412 Prohibited acts: E – Penalties
RCW 69.50.420 Juvenile driving privileges
RCW 69.50.425 Minimum penalty
RCW 69.50.505 Seizure and forfeiture
RCW 69.50.506 Burden of proof
RCW 69.50.509 Search and seizure of controlled substances

Section 3. Adopted. A new ECC 5.14.015, Possession of legend drug without prescription or order prohibited. is hereby adopted to read as follows:

5.14.015 Possession of legend drug without prescription or order prohibited.

1. The definitions set forth in RCW 69.41.010 shall apply to terms in this section.
2. It shall be unlawful for any person to possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the medical quality assurance commission, a physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine, in any province of Canada which shares a common border with the state of Washington or in any state of the United States: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or

employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the department of social and health services from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners.

3. This section shall not prevent a medicare-approved dialysis center or facility operating a medicare-approved home dialysis program from selling, delivering, possessing, or dispensing directly to its dialysis patients, in case or full shelf lots, if prescribed by a physician licensed under chapter 18.57 or 18.71 RCW, those legend drugs determined by the board pursuant to rule.

4. A violation of this section is a misdemeanor.

Section 4. Amended. ECC 5.14.050, Steroids. is hereby amended to read as

follows:

5.14.050 Steroids.

The following statutes of the state of Washington, including all future amendments, are adopted by reference as if set forth in full herein:

RCW 69.41.300 Definitions

RCW 69.41.320 Practitioners – Restricted use – Medical records

RCW 69.41.350(1) Penalties

Section 5. Adopted. A new ECC 5.46.080, Practice without license. is hereby

adopted to read as follows:

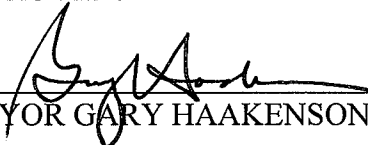
5.46.080 Practice without license.

Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW 18.130.040, unless otherwise exempted by law, constitutes a gross misdemeanor for a single violation.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

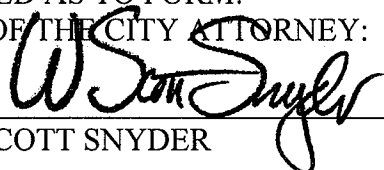
APPROVED:


MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	04/17/2009
PASSED BY THE CITY COUNCIL:	04/21/2009
PUBLISHED:	04/26/2009
EFFECTIVE DATE:	05/01/2009
ORDINANCE NO. <u>3734</u>	

SUMMARY OF ORDINANCE NO. 3734

of the City of Edmonds, Washington

On the 21st day of April, 2009, the City Council of the City of Edmonds, passed Ordinance No. 3734. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, CONCERNING ADOPTION OF CERTAIN CRIMINAL OFFENSES CONSISTENT WITH THE STATE CRIMINAL STATUTES; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 22nd day of April, 2009.

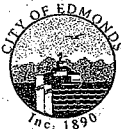

CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice



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The full text of this Ordinance will be mailed upon request.
DATED this 22nd day of April, 2009.

CITY CLERK, SANDRA S. CHASE

Published: April 26, 2009.

Summary of Ordinance No. 3734

Concerning Adoption of Certain Criminal Offenses

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

April 26, 2009

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Groll

Principal Clerk

Subscribed and sworn to before me this

4th

day of May, 2009

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

RECEIVED

MAY 01 2009

EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 101916

Account Number: 0001646440

